

**From:** Kuzdas.Tommy  
**To:** 'microsoft.atr(a)usdoj.gov'  
**Date:** 1/28/02 11:01am  
**Subject:** "Microsoft Settlement."

Tommy D. Kuzdas  
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Dear Sir, as a concerned citizen in the state of Wisconsin I have been tracking the Microsoft case with some interest. As a consumer I was very, very angry with microsoft for dictating to me what software would be loaded on my computer. I am still very angry with being forced to accept Internet explorer and other Microsoft products as a condition of buying a computer.

I believe the agreement that the federal government is trying to force on the states is totally unacceptable for the following reasons:

1. Microsoft is not forced to admit guilt. Microsoft was convicted of being a monopolist and of abusing its power in violation of both articles of the Sherman Anti-trust act. This conviction was upheld UNANAMOUSLY by a seven judge panel in a federal appeals court. In addition the U.S. Supreme Court has turned down Microsoft's appeal. Has any defendant convicted of a crime ever been able to bargain their way out of a conviction? I find this concept to be repugnant and outrageous! Furthermore, Microsoft was given every opportunity to change its conduct over the last seven years. Microsoft deserves no sympathy! My sympathy is reserved for Microsofts victims. Finally if this conviction is overturned the ability of the computer industry and of consumers to recover damages will be all but destroyed.

2. Microsoft should have absolutely no say in how they are to be policed and regulated. The job of the technicle monitors should be to uphold the interests of the public and of the rest of the computer industry. Microsoft's interest is in maintaining its Monopoly and continueing to strangle the rest of the industry through tactics of extortion, exclusive contracts, and product tying.

3. The agreement should be open ended with regards to time. I do not believe that any company over the next five to seven years will be able to directly threaten Microsoft's monopoly. A serial killer when convicted gets the key thrown away. Microsoft should be treated the same. Not withstanding comments later in this letter, I feel the agreement should last at least ten years with the provision that if Micosoft violates any part of the agreement it gets extended for another 10 years. Microsoft should also be required to pay all reasonable costs for required enforcement actions.

4. The agreement lacks teeth. Microsoft conduct reflects a total disregard and contempt for our justice system. Assessing a fine of a million dollars a day or even ten million dollars a day means NOTHING to Bill Gates. I believe that Microsoft should be required to forfeit their copyrights to ALL of their operating systems (DOS versions 1.0 - 6.0, Windows, Windows 3.0, Windows 95, Windows 98, Windows 2000, and Windows

Melenium) if they are ever found in contempt for violating the consent decree and that such judgement would be final and not subject to appeal. I do not mean the government now owns Windows. I mean the copyrights cease to exist. Windows and DOS becomes freeware available to be used as individual companies and individuals see fit.

5. Microsoft may argue that such a penalty is too harsh. My rebuttle would be to simply point out that based on their past behavior strong motivation is required to ensure compliance with the consent decree. Microsoft needs to stop walking the line, stepping over, then becoming good boys again when their errors are pointed out. I would recommend that the anti-trust compliance officer be given power to disapprove of any contracts he believes violates anti-trust law, and that such contracts be reported to the justice department. The software industry and the federal government should get to decide who fills this important post. Microsoft should also be advised that they would be expected to obey the consent decree in spirit as well as word.

In conclusion I would like to say the following:

I believe that Microsoft should be held accountable for violating the Sherman Anti-Trust act. I believe that the copyrights to all of Microsoft's operating systems should be dissolved because Microsoft used their copyrights in a manner which violated the Sherman Anti Trust Act. This action would be simple, severe (the equivalent of a 500 billion dollar fine), and would end Microsoft's monopoly power. This punishment would send a strong message to the computer industry. (A message I believe the industry wants to hear). The computer industry would be able to make competing operating systems by decompiling and reverse engineering Windows. This punishment would also create the paradigm shift which Microsoft fears. A shift that I believe the computer industry desperately wants and that would benefit consumers. A proliferation of operating systems based on Windows API's would also create the ideal conditions for Sun Microsystems JAVA programming language. Stripping Microsoft of their copyrights this would also save the federal government the hassle of monitoring Microsoft's corporate conduct.

I acknowledge that creating such a shift would give Sun Microsystems a monopoly of their own. However I believe the owners of Sun Microsystems would be very careful about how they conduct business.

Microsoft has claimed that anti-trust laws have no place in the computer industry because of the pace of innovation. Microsoft could not be more wrong. The anti-trust laws are not about technology. They are about business ethics and fair play. Protecting consumers and small businesses from predatory business practices. Ethics are universal and transcend any business including the computer industry.

I have strong objections to the prevailing philosophy in the Federal Court System that companies engaging in anti-competitive behavior should not be punished, only restrained. This philosophy does nothing to right the wrongs of competitors harmed by illegal marketing practices. I would point out that Judge Jackson could have sentenced Bill Gates and Steve Ballmer to three years in a federal prison and confiscated Microsoft. (I understand that had he done so the punishment would have been vacated for being too

harsh). Congress intended that anti-competitive behavior be punished as criminal behavior.

As a consumer I would very much like to see Sun Microsystems vision come to pass. "Write once, run anywhere!"

Microsoft must be forced to pay for the manner in which they undermined competition based on the merits.

I ask that the judge presiding over the punishment phase of this trial see this letter.

Respectfully,  
Tommy D. Kuzdas